

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD WILLIAM HERTZOG,

Plaintiff,

v.

CLINTON COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants.

CIVIL ACTION NO. 3:04-CV-1230

(JUDGE CAPUTO)

ORDER

NOW, this 20th day of April, 2005, upon review of Magistrate Judge Mannion's Report and Recommendation (Doc. 20) for clear error or manifest injustice, **IT IS**

HEREBY ORDERED THAT:

- (1) The Report and Recommendation (Doc. 20) is **ADOPTED**.
- (2) Motion To Dismiss of Defendant Clinton County Correctional Facility (Doc. 16) is **GRANTED**.
- (3) The Complaint (Doc. 1) is **DISMISSED** against the remaining Defendants due to Plaintiff's failure to prosecute.
- (4) The Clerk of the Court shall mark this case **CLOSED**.

/s/ A. Richard Caputo _____
A. Richard Caputo
United States District Judge